

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA (Las Vegas)

UNITED STATES OF AMERICA,  
Plaintiff

vs.

DAVID M. MARK,  
Defendant

No: 13-10579

Case No. 2:11-cr-453-LDG-CWH

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**DEFENDANT'S UNOPPOSED MOTION**  
**TO CONTINUE EVIDENTIARY HEARING**

COMES NOW, Defendant, David M. Mark, through undersigned counsel and moves unopposed to continue the Evidentiary Hearing set for January 14, 2016 for the reasons set forth in the accompanying memorandum.


Respectfully submitted

SMITH & FAWER

/s/ Michael S. Fawer  
MICHAEL S. FAWER  
Louisiana Bar No. 5485  
312 30<sup>th</sup> St.  
New Orleans, LA 70124  
(504) 483-8600  
(504) 483-5100 (FAX)

IT IS THEREFORE ORDERED that the Evidentiary hearing currently scheduled for Thursday, January 14, 2016, at the hour of 10:00 a.m. be vacated and continued to the 14th day of March, 2016 at the hour of 10:00 a.m. in courtroom 6B.

DATED this 5 day of January, 2016.

  
UNITED STATES DISTRICT JUDGE  
LLOYD D. GEORGE

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA (Las Vegas)

UNITED STATES OF AMERICA,	)	
Plaintiff	)	No: 13-10579
	)	
vs.	)	Case No. 2:11-cr-00453-PMP-CWH
	)	
DAVID M. MARK,	)	
Defendant	)	

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**DEFENDANT'S MEMORANDUM IN SUPPORT OF**  
**UNOPPOSED MOTION TO CONTINUE EVIDENTIARY HEARING**

1. On September 29, 2015, defendant moved for an evidentiary hearing (DOC #286 ). On December 17, 2015 the Court set said Evidentiary Hearing for January 14, 2016 (Doc # 291).

2. Undersigned counsel is to be in trial in the Eastern District of Louisiana in U.S. v. Thompson Criminal No.13-243, on January 11, 2016 (DOC #62). Said trial is expected to last through January 17, 2016.

3. Undersigned counsel consulted with AUSA Sarah Griswold who stated she has no opposition to the continuance. Ms. Griswold also advised that she is unavailable most of February, 2016 due to a conflicting court commitment.

WHEREFORE, defendant and non-opposing counsel respectfully request the Evidentiary Hearing be continued to a date on or after March 1, 2016. The parties estimate the Evidentiary Hearing will take no more than two (2) days.

Respectfully submitted  
SMITH & FAWER  
/s/ Michael S. Fawer  
MICHAEL S. FAWER  
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